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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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11 TOEBEY CALDWELL,

12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA,

15 Defendant.
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Case No. 8:23-cv-00649-JWH-PVC

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended
2 Complaint, Defendant's Motion to Dismiss, all the records and files herein, and
3 the Report and Recommendation of the United States Magistrate Judge. The
4 time for filing Objections to the Report and Recommendation has passed and no
5 Objections have been received. Accordingly, the Court hereby **ORDERS** as
6 follows:

7 1. The Court **ACCEPTS** and **ADOPTS** the findings, conclusions,
8 and recommendations of the Magistrate Judge.

9 2. Defendant's Motion to Dismiss is **GRANTED**. The First
10 Amended Complaint is **DISMISSED**, and Judgment shall be entered
11 **DISMISSING** this action **without prejudice** for lack of jurisdiction.

12 3. The Clerk is **DIRECTED** to serve copies of this Order and the
13 Judgment herein on Plaintiff at his current address of record and on counsel for
14 Defendant.

15 **IT IS SO ORDERED.**

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17 Dated: October 23, 2023

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20 John W. Holcomb
21 UNITED STATES DISTRICT JUDGE
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